

REMARKS

This paper is filed in response to the non-final Office action (Paper No. 20050610), mailed on the 17th of June 2005. Entry of the following amendments and/or remarks, re-examination and reconsideration, are respectfully requested.

Status Of Pending Claims

Claims 1 through 30 have been cancelled while claims 31 through 45 have been previously presented.

Allowance Of Claim 41

The allowance of claim 41 over the prior art is noted with appreciation

Objection To The Drawings

Paper No. 20050610 objected to the drawings under 37 CFR §1.83(a). After careful consideration, Applicant has found that the objection is unfounded upon the evidence of record, and accordingly traverses this objection.

In support of the objection under Rule 83(a), Paper 20050610 stated that:

“The joint which joins the first wall member to the second wall member must be shown or the features canceled from the claims. The drawings do not disclose how the members are “joined” or where they are separated.”¹

Rule 83(a) states that,

¹ Paper No. 20050610, Examiner’s comments, page 3.

“the drawing and non provisional application must show every feature of the invention specified in the *claims*.”²

None of the pending claims defines either a “joint” or a “joint which joins the first wall member” or a “joint which joins the first wall member to the second wall member” as is alleged by the Examining staff in Paper No. 20050610.³ This discrepancy between the actual language of the pending claims and the averment set forth in Paper No. 20050610 in support of this rejection is of great concern to Applicant. It appears therefore, that Paper No. 20050610 is therefore incomplete under the standard for completeness required under 37 C.F.R. §1.104(b) and (c); written clarification is therefore requested and subsequent non-final Office correspondence.

Moreover, Applicant’s originally filed specification expressly illustrates and explains that:

“Figure 1 shows the book mark comprised by a pair of adjacent laminar walls (2)(5), which heavy internal **joint (7)** on one end and on the opposite end they form a clip (1)”⁴

This express, written disclosure does in point of fact, provide a written description of “joint 7” which is clearly illustrated in Applicant’s Figure 1.⁵ Therefore, Applicant’s originally filed drawings and specification are fully compliance with 37 C.F.R. §1.83(a), and this compliance is not negated by the averments set forth in Paper No. 200500610. Withdrawal of this objection is thus required.

² 37 C.F.R. §1.83(a).

³ In point of fact, the language “*The joint which joins the first wall member to the second wall member*” appears nowhere in any of Applicant’s pending claims. It is difficult to understand therefore, how the Examining staff is authorized to allege a violation of 37 C.F.R. §1.83(a) when the language upon which that violation is based is fictitious.

⁴ Original specification, page 7.

⁵ The Examining staff is invited to consider that as a geometric construct, a *joint* may be either a linear continuum of points or a broad, extensive region exhibiting both breath and width.

Paper No. 20050610 fails to identify any deficiency in either the drawings or Applicant's originally filed specification. Specifically, Paper No. 20050610 has premised the objection to the drawings solely upon language that was invented by the Examining staff, rather than language which appears either (a) in any of the pending claims or (b) language which appears in the specification. Consequently, Paper 20050610 is incomplete under the standards set by 37 C.F.R. §1.104(b) and (c). Written clarification and subsequent office correspondence is respectfully requested to identify the origin of the "joint which joints the first wall member to the second wall member" upon which the objection was premised, among the language of the currently pending claims.⁶ Absent this, withdrawal of this objection is respectfully requested. Moreover, in view of the foregoing demonstration of the absent of any foundation for this objection, as well as the demonstration of the presence of "joint 7" in the drawings, there is no reason to either amend the current drawings or to add additional drawings because Applicant has in fact, already fully complied with 37 CFR §1.83(a).

Rejection Of Claims 31-40 And 42-45 Under Second Paragraph Of 35 U.S.C. §112

Claims 31 through 40 and 42 through 45 were rejected under the second paragraph of 35 U.S.C. §112 based upon questions raised by Paper No. 20050610 about whether certain language of those claims may raise questions of indefiniteness. In each instance noted by the Examining staff, Applicant has responded by amending the corresponding claim; consequently, all questions have been addressed and these attendant issues of possible indefiniteness are moot.

⁶ The Examining staff is respectfully reminded that 37 CFR §1.83(a) reads "the drawing in a nonprovisional application must show every feature of the invention specified in the *claims*." No part of 37 CFR §1.83(a) requires the drawings to show features which may be discussed in the specification, but not presented among the claims.


Fees Incurred

A Petition for two month's extension of time and the check of Applicant's undersigned attorney drawn to the order of the Director in the amount of \$225.00 accompanies this paper. Should the Petition become lost or separated from this paper, the Commissioner is requested to treat this paragraph as the requisite Petition for an extension of time and is authorized to charge Deposit Account No. 20-4943 in this amount, and to then notify Applicant's undersigned attorney of the charge.

Conclusion

In view of the foregoing demonstration of Applicant's compliance with 37 CFR §1.83(a) and the resolution of all questions of possible indefiniteness, all claims are submitted to be allowable and this application is believed to be in condition to be passed to issue. Such action is respectfully requested. Reconsideration of the rejections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,



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